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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-third session
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Item 4 of the provisional agenda*
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined seventh and eighth periodic reports of Japan

Institutional framework

1. Please indicate the measures taken by the State party to further strengthen the national machinery for the advancement of women, including by clearly defining the mandate and responsibilities of its various components, in particular between the Minister of State for Gender Equality and Social Affairs and the Gender Equality Bureau, and enhancing coordination among them, as well as through the provision of adequate financial and human resources. Please also indicate the measures taken to establish an independent national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), whose competencies include issues relating to the equality of women and men. Please further indicate whether the Convention and the Committee's general recommendations are being integrated into capacity-building programmes for lawmakers, judges, prosecutors and lawyers, as well as the police and other law enforcement officials.

2. Please provide information on the mechanisms and measures adopted to ensure the equal participation of women in the entire drafting and adoption process for the post-2015 development agenda.

Temporary special measures

3. Please indicate the results achieved by temporary special measures that have been implemented to date and indicate whether the State party envisages adopting additional such measures to accelerate the realization of women's substantive equality with men.

Note: The present document is being issued in English, French and Spanish only.
* CEDAW/C/63/1.

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Stereotypes and harmful practices

4. Please indicate whether the State party envisages adopting a comprehensive strategy to combat stereotyping in order to promote a non-patriarchal image of women, including that of disadvantaged groups of women, such as older women, women with disabilities, migrant women and women belonging to ethnic and religious minorities. Please indicate the measures taken to combat stereotypical attitudes about the roles and responsibilities of women and men in the media and to eliminate the sexualized depiction of women in advertising. Please also provide information on the incidence of gender discriminatory statements and sexist remarks made by public officers since the issuance of the previous concluding observations (CEDAW/C/JPN/CO/6) and on the measures taken to address that situation. Please also indicate the measures taken to prevent and punish verbal violence against women. Please further indicate the measures envisaged to criminalize hate speech targeting minority groups, including speeches that incite sexual assault against them.

Violence against women

5. Please indicate whether the State party intends to amend the Criminal Code to integrate a broader definition of sexual crimes, increase the penalty for rape and explicitly criminalize incest and marital rape. Please provide updated information on the steps taken to repeal the specific requirement that the victim file a complaint in order to prosecute crimes of sexual violence.

6. Please provide data on the number of protection orders delivered in the past five years and the measures taken to speed up their issuance. Please indicate whether the State party considers issuing emergency protection orders on the basis of a complaint from one party only under its Spousal Violence Prevention Act. Please also indicate the measures taken to ensure that women who are victims of domestic violence can stay in their home. Please indicate the measures taken to facilitate the reporting of domestic and sexual violence, in particular whether the State party intends to open a 24-hour free hotline dedicated specifically to counselling women who are victims of violence, including minority women and women with disabilities.

7. Please indicate the measures taken to ban the sale of video games or cartoons involving rape and sexual violence against girls and women and to raise awareness among the producers of such materials, in line with the Committee's general recommendation No. 19 on violence against women. Please also indicate the measures taken to address the mass production, distribution and use of pornographic videos in which women are targets of sexual violence, as well as the portrayal of sexualized commercial images of women.

8. Please provide updated information on the measures taken to provide high-quality support services to women, including disadvantaged groups of women such as minority, indigenous and migrant women, in order for them to bring complaints and to seek protection and redress. Please also indicate the measures taken to disseminate and ensure the implementation of the legal provisions providing protection to foreign women who are victims of spousal violence without revoking their status of residence.

9. The Committee has been informed of recent public statements that there was no evidence that proved the forcible removal of "comfort women". Please comment on this information. Please also indicate whether the State party intends to take

compensatory measures on behalf of "comfort women" in countries other than those covered by the Asian Women's Fund, including in China and Timor-Leste, and prosecute the perpetrators. Please indicate whether the State party intends to reintegrate into school textbooks references to the issue of "comfort women", and raise awareness among the population of the issue.

Trafficking and exploitation of prostitution

10. Please provide information on the number of complaints received on trafficking and exploitation of prostitution, as well as the investigations, prosecutions, convictions and penalties imposed on the perpetrators of such crimes. Please indicate the measures taken and envisaged to establish specific shelters for women who are victims of trafficking throughout the country, ensure that all victims of trafficking have access to adequate services and ensure that victims are rehabilitated and reintegrated as appropriate. Please also indicate the measures taken to ensure that internship and foreign trainee programmes are not used for the purposes of forced labour and sexual exploitation.

11. Please indicate whether the State party envisages amending the Anti-Prostitution Act to decriminalize women engaged in prostitution and adopting legal and/or other measures aimed at discouraging the demand for prostitution. Please also indicate the measures taken to provide educational and economic alternatives to prostitution, and to introduce exit programmes and rehabilitation and reintegration measures for women wishing to leave prostitution.

Participation in political and public life

12. The existence of the third basic plan for gender equality defining quotas aimed at increasing the participation of women in political and public life is indicated in the report (CEDAW/C/JPN/7-8, para. 4).[1] Please provide information on the effective implementation of the plan and indicate whether it includes incentive, sanction and/or enforcement mechanisms to ensure compliance with the quotas. Please indicate whether the State party undertakes awareness-raising campaigns on the importance of women's participation in decision-making for society as a whole. Please provide information on efforts made to further increase the participation of women in political and public life, specifically through the adoption of temporary special measures, including quotas, to accelerate the achievement of substantive equality between women and men.

Education

13. Please indicate whether the State party envisages adopting specific measures aimed at enhancing the education of women, including minority women, by:

(a) Increasing the enrolment of women in traditionally male-dominated fields of study;

(b) Increasing the percentage of women in colleges and universities;

(c) Further increasing the number of women in managerial positions in schools and those teaching at universities;

[1] Unless otherwise indicated, paragraph numbers refer to the combined seventh and eighth periodic reports of the State party.

(d) Integrating the promotion of gender equality into the Basic Act on Education.

Employment

14. Please indicate additional measures envisaged to:

(a) Develop a comprehensive policy to promote equality of women and men in employment;

(b) Promote the participation of minority women in the labour market;

(c) Eliminate occupational segregation, both horizontal and vertical;

(d) Address the predominance of women in fixed-term, part-time and non-regular employment;

(e) Eliminate the illegal dismissal of women owing to pregnancy and childbirth;

(f) Ensure that women are not compelled to resign for being unable to balance work and family life;

(g) Promote the equal sharing of family responsibilities between women and men;

(h) Ensure equal pay for work of equal value, including by adopting legal provisions recognizing this principle;

(i) Adopt legal provisions sanctioning sexual harassment in the workplace;

(j) Study the monetary value of women's unpaid work;

(k) Reduce the gender gap in pension benefits;

(l) Ensure high-quality childcare.

Health

15. The State party indicates in its report that abortion is a crime, under article 212 of the Penal Code, except to protect the life and health of the mother, as provided for by the Maternal Protection Act (para. 359). The Committee has also been informed that article 14 of the Act requires a woman who seeks abortion to obtain authorization from her male partner. Please provide details on the conditions in which abortion is authorized, in law and in practice, and indicate the measures envisaged to legalize abortion in cases of rape, incest and severe malformation of the foetus.

16. Please provide data on the availability and accessibility of comprehensive age-appropriate education on sexual and reproductive health and rights and the rate of contraceptive use. Please also provide information on measures taken to provide compensation to women with disabilities who have been subjected to forced sterilization. Please provide information, along with data, on the mental and psychological health of women.

17. The Committee has been informed that the State party plans to lift the designation as evacuation zones of contaminated areas with radiation exposure levels under 20 millisieverts per year. It has also been informed that health examinations relating to the nuclear disaster in Fukushima are limited to thyroid

examinations and are only for residents of Fukushima Prefecture and that free medical treatment is limited to children under 18 years of age. Please indicate the impact of such measures on the health of women, including pregnant women.

National disasters

18. Please indicate whether the State party has incorporated a gender perspective into national disaster management and relief and recovery strategies, and indicate the measures taken to ensure the equal participation of women at the decision-making level of national disaster management.

Disadvantaged groups of women

19. Please indicate whether the State party envisages adopting a comprehensive law and/or regulations to ensure a gender-sensitive approach to address the needs of refugee and asylum-seeking women and girls. Please indicate whether the State party considers recognizing gender-related forms of persecution as legitimate grounds for asylum. Please also indicate whether alternatives to detention of asylum seekers are implemented, as provided for in the Immigration Control and Refugee Recognition Act, in particular for asylum-seeking women who have specific needs. Please also indicate the measures taken to address the overcrowding in some detention facilities, including women's prisons.

20. Please provide updated information on access by older women, migrant women, minority women, including indigenous women, women with disabilities and rural women to all rights covered under the Convention. Please provide, in particular, information regarding sexual violence against women with disabilities and on measures taken to provide shelters for women with disabilities and older women who are victims of abuse. Please provide information on measures taken to address the feminization of poverty, including the higher rate of women in poverty among older women and women-headed households. Please also provide information on measures taken, including through the establishment of a policy framework and the adoption of temporary special measures, to eliminate discrimination against minority women and to appoint minority women representatives to decision-making bodies.

Marriage and family relations

21. It is indicated in the report that a bill revising the Civil Code unifies the marriageable age between men and women, introduces a system allowing a husband and wife to adopt separate surnames and shortens the period of prohibition of remarriage required for women (para. 384). Please indicate the steps taken to expedite the adoption of the bill and to eliminate the period of prohibition of remarriage for women. Please also indicate whether the State party envisages adopting legal provisions requiring the payment of child maintenance by the father. Please also indicate the steps taken to ensure that children born out of wedlock are not discriminated against through the family registry system.

Optional Protocol to the Convention

22. Please provide information on any progress made with regard to the ratification of the Optional Protocol to the Convention and indicate a time frame for its possible ratification.